



# EVOLUTION AND PROLIFERATION OF DEEDS- A STUDY OF EARLY MEDIEVAL KERALA

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## ABSTRACT

In Kerala, deeds or legal documents as a source of authentication had its beginning during early medieval period, a time that is marked by socio-cultural transformations. The changes in power relations and counter of future claims over the landed properties that led to the proliferation of deeds. Though it is often held in the historical scenario of Kerala that legal documents developed with the spread of Brahmin Settlements and it was only the Brahmanical group which necessitated the written deeds. The assumption was mainly based on the limited epigraphical evidences most of which were temple documents. However, a closer examination of the epigraphical sources reveals that other communities in Kerala, including Jews, Syrian Christians, and Jains, also engaged in the practice of producing written deeds. These documents, while perhaps less prevalent than those created by the Brahmanical community, were often quite detailed. Thus, the evolution of legal documentation in Kerala was a multifaceted process shaped by the interactions and negotiations among various groups.

**KEYWORDS:** Deeds, Perumals, Non Brahmanical Documents, Literacy, Scribes

## INTRODUCTION

Deeds can be defined as the written evidences of legal transactions. It conveys any legal document that affirms a right or a property. The legal implications of writing are closely tied up with the socio-politico-economic conditions of the time. Writing developed as a direct consequence of the compelling demands of an expanding economy<sup>1</sup>

Writing was considered to be one of the most important process in the history of social development, but the existence of writing is always been taken for granted. The historical studies in Kerala, though, gave importance to inscriptions and palm leaf records as primary sources for the reconstruction of medieval Kerala history, the emphasis was on the content rather than its evolution, development and its implication. But little attention has been given to the way in which the documents influenced the socio-economic structure of Pre modern Kerala.

### Perumal Period- A transitory Phase

Though there are a few label epigraphs of early centuries, it is from the 9th century that written records began to appear systematically. Socio-politically and economically also 9th century is an intelligible point<sup>2</sup> The dawn of the rule of the Perumals in Kerala, the formation of agrarian society and economy, the making of a separate regional culture with the establishment of Brahman landlordism, evolution of Malayalam language and consolidation of the temple-centered society are some the characteristic features of the period. It was under these circumstances that deeds began to be cracked on in the history of Kerala.

A new social formation generated by new land relations, the migration of new groups of people including Sramanic sects and

Brahmins, establishment of temples and formation of a temple centered economy, long distance trade, social stratification or a shift from egalitarian to non egalitarian society, sharing of rights over resources and complex division of labour with the emergence of land as principal object of labour might have compelled a shift from oral tradition to written resources<sup>3</sup>.

Oral tradition, while historically significant and deeply rooted in many cultures, was increasingly recognized as insufficient to uphold and validate customary authority in a rapidly evolving society.<sup>4</sup> In this context, the emergence of written documentation became crucial. This shift marked a significant transformation in how legal transactions were conducted, particularly in matters concerning property transfer. The evolution towards written documentation reflected a broader societal shift towards formalization and codification of laws and rights

### Characteristics of Documents

As the socio-economic and political roles of the common populace expanded, the necessity for written documentation likely became increasingly important. Individuals relied on deeds, either directly or indirectly, as a means of verification.

Some general characteristics of the deeds during the Perumal Period

- The details of when, how, where and to whom the transactions were made
- The stipulations made by the donors, agreement and regulations
- Punishments in case of Violation
- The details of boundaries in case of land transactions
- Witnesses of the deed and scribe who wrote the document
- Agreements were made unanimously by the authorities

- Invocation to God were rather invisible in the beginning of documents except the earliest one relating to Perumals, Vazhapally Copper Plate which began with Namashivay.
- Many records of the period began with the word Swastisree

The majority of the deeds of the period records the rights and privileges of temples and Brahmins. The records do not exclusively pertain to the Brahmin population<sup>5</sup>. Furthermore, the responsibility for storing information does not lie solely with the Brahmins. There are documents that reference grants made to various other segments of society. It is important to note that the responsibility for the preservation and management of these records does not rest exclusively with the Brahmins. Instead, it reflects a collective responsibility shared among different segments of society, suggesting that various communities played a role in the documentation. Of course as written records had already become a norm in North and Upper South India, Brahmins in Kerala surely had access to the meaning and implication of written records.

### Non Brahmanical Documents

Certain copper plates from the 9th and 10th centuries A.D. delineate the rights and privileges afforded to non-Brahmins, exemplified by the Terrissappalli copper plate, Jewish copper plate, Paliyam Plates etc. These documents meticulously outline the specific rights, privileges, and limitations of these groups. The necessity for legitimizing the rights of a powerful institution, such as a temple, likely necessitated a straightforward record, which even rulers adhered to out of concern for divine retribution. Conversely, for marginalized social classes like Jews and Christians, the validity of such records depended on endorsement from the most esteemed segments of society. This practice may have been an effort to mitigate disputes over land ownership among non-Brahmin factions, particularly by the more dominant social groups. The detailed enumeration of each aspect within these records suggests that the actions of the time were recognized and accepted by society. Furthermore, the signatories of these plates were none other than the Naduvazhis, or territorial rulers.

Terrissappalli copper plate speaks of a gift of a number of families including toddy tappers, washermen and so on to the church and later on some additional groups like carpenters, agriculturists etc. These groups were necessary for the smooth implementation of socio-economic functions<sup>6</sup>. Additionally, an inscription from a temple in Kumaranellur outlines the penalties for Sudras who violated the terms specified in the Muzhikulam Kacham.<sup>7</sup> Some records also refer to the grants by the peasant community, the merchant groups, women etc. The rights and privileges of the lower strata were also highlighted in some of the deeds. The records hardly point towards the accessibility of written records to the marginalized group. But their mention in these records indicates a possible awareness of the implications of such deeds to them. Whether these communities read it or not, they might have understood the importance of a written source for authenticating the rights and privileges.

For the larger section deeds were a symbol of power. It remains uncertain whether administrative machinery under Perumals

utilised deeds or not. The evidence currently accessible pertains primarily to Brahmanical temples and in some case non Brahmanical sects. Though bureaucratic utilization of written documents is documented from the period of Swaroopams there is a lack of evidence from the Perumal period<sup>8</sup>. Also, by the time of the Perumals, Kerala had achieved progress in the realm of trade and commerce. But direct documentary evidence for trading activities is not available. It may be because most of the articles brought in the market were largely items of immediate consumption

### Literacy and Role of Scribes

The documents from the period often prompt inquiries into the literacy levels in pre-modern Kerala. If literacy is defined as the ability to read and write, it can be asserted that a significant portion of the population was illiterate. Nevertheless, the rights and privileges essential for the effective operation of a social structure were conveyed through written means. The question of how those who were illiterate comprehended these deeds remains relevant. If one considers documentary evidence as a valid measure of an individual's literacy, it can be argued that Kerala possessed a literate culture during the pre-modern era

From some inscriptions, it is clear that there were separate groups who wrote the deed and read it out in public. These public reading might have been for the common people who could not themselves read and write. But those who took part directly in the execution of a deed or whose claim had to be authenticated might have had direct access to literacy.

From the time of Perumals itself, eye witness and scribes who wrote the documents were mentioned in some of the documents concerned. Trikkakara inscriptions, Jewish Copper Plate, Chembara inscriptions, Kollam Rameswarath inscription etc. explicitly mention the name of scribe and eyewitness whereas many other inscriptions seldom mention these groups. The inclusion of their names in deeds likely reflects specific circumstances where the presence of eyewitnesses and scribes was deemed essential to validate and safeguard the authenticity of the document. The tradition of making reference to eye witness and scribes can be seen in the inscriptions from 10th century itself. The professional role of the scribes in Perumal period need to be studied further. However, it is clear that in the later periods, scribes evolved into professional roles, likely been employed by rulers to record deeds and documents, The writer who wrote the Mitranandapuram inscription of 1196 A D, Kaithavai Kandan Udayan figures in another inscription at Gosala shrine at Vellayani of the same period.<sup>9</sup> Not only knowledge but a skill is required to write a particular deed. Few of the inscriptions mentions the name of scribes who engraved the writing on the copper plate and stone. They even include Tattan (goldsmith), Tachan etc. (carpenter).<sup>10</sup> Inscribing on stone itself is a professional art which needs skill and training.<sup>11</sup>

### Documents- Brief and Detailed Decrees

Certain inscriptions are very brief providing essential information in a few succinct lines. For example, the Jain inscriptions at Chitaral, Kazhugumalai etc. refer to the donor and the intended purpose of the inscription in one or two

lines<sup>12</sup>. Unlike the Chola or Pandya inscriptions, epigraphical records of Kerala are usually short. But there are inscriptions which provide comprehensive information about the purpose and content. Chitratral and Kazhugumalai record pertain to Jain monastery and temple. But Parthivapuram Salai inscription of Karunandakkan stipulates the establishment of an educational institution and also in detail provide for the rules and regulations to be followed<sup>13</sup>. The detailing of the inscriptions may serve a symbolic function beyond mere record-keeping; they can legitimize the rights of new groups or communities and ensure the enforcement of established rules and norms. As Rosalind Thomas observe that writing is being utilized to tackle controversial regulations<sup>14</sup>. Some of the records even mention the donation of seemingly trivial items like thread, provision of meal for a single person, small quantities of paddy etc.

### Purpose of deeds in Perumal Period

Deeds of the period were written with mainly two requirements-

1. To bestow the property rights with the involvement of a determinate value. The deeds command license to control the people.
2. To counter future claims over these properties and to justify the activities of the ruling class on one hand and the donees on the other

The basic aim of the deeds was to authenticate the property rights and to persuade the society to obey and respect it. In such a situation, people's access to literacy raises questions. The royal orders generally act as a symbol of power. The written commands of the ruler would go far beyond his sight and voice and could survive his death. In a society where deeds were gradually evolving, it was necessary for the privileged section to authenticate their rights through documents. The royal orders generally convinced the people the significance of such deeds. That is why in most of the records mention the presence of ruler or royal representative. Though much of the records pertain to the authentication of the rights of temples or Brahmins, the language used for the deeds in early medieval Kerala were in a Tamil script, Vattezhuttu. But the people might have spoken a very different vernacular language alien to that inscribed in the inscriptions and records.<sup>15</sup>

It may be rather a sense of distrust for oral tradition that might have compelled the deeds to infiltrate more into other sections. Lay literacy was in fact not attained much significance in Pre modern Kerala. Writing was the monopoly of a small faction. But the illiterate too, involved in another's literacy and manifest some crucial social function regarding writing. If the general populace could not read or write, they were still connected to written documents in some capacity. The transformation of society in Kerala, which increasingly regarded written documents as the most reliable form of evidence, occurred gradually. This process began in the early medieval period and continued to evolve alongside the rise of regional powers in the region.

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3. Rajan Gurukkal argues that various factors contributed to the expanding role of literacy in early South Indian society. See Rajan Gurukkal, Social Formations in Early South India, oxford university press, 2009 pp. 178-79
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5. Kesavan Veluthat argued that Brahmins found it necessary whereas non Brahmin population did not find the need for it. See Kesavan Veluthat, Early Medieval in South India, New Delhi, 2010, p. 171.
6. Travancore Archaeological Series Vol II pp 62-76
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9. Puthussery Ramachandran, Keralacharithrathile Adisthanarekhagal, Thiruvananthapuram, 2007, pp 209-211
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